

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Fort McCoy

Fort McCoy, Wisconsin

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act,
42 U.S.C. § 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-00-WI-8

NOTICE OF VIOLATION

The Administrator, of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act (Act). U.S. EPA notifies the State of Wisconsin and Fort McCoy that U.S. EPA finds that Fort McCoy, located at Fort McCoy, Wisconsin, is in violation of the Wisconsin State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. Under 40 C.F.R. § 52.23, failure to comply with any permit limitation or condition contained within an operating permit issued under an U.S. EPA-approved program that is incorporated into the SIP, shall render the person so failing to comply in violation of the SIP.
2. On February 17, 1995, U.S. EPA approved NR 407, "Operation Permits" as part of the federally enforceable SIP for the State of Wisconsin. 60 *Fed. Reg.* 3543 (February 17, 1995).
3. Under NR 407, the Wisconsin Department of Natural Resources issued Air Pollution Control Permit No. 642047230-F01 (Operation Permit) to Fort McCoy.
4. Part I.1.b.(1) of the Operation Permit requires Fort McCoy to keep monthly records of the compiled fuel usage of all of Fort McCoy's heating units, and to retain such records representing a period of at least 5 years.
5. For all paints, precoatings, and thinners used in Fort McCoy's surface coating operation:

Part I.D.1.c.(1)(b) of the Operation Permit requires Fort McCoy to keep monthly records of the volatile organic compound (VOC) content of each coating as applied, in units of pounds of VOC per gallon, excluding water. These records must represent a period of at least 5 years.

6. For all paints, precoatings, and thinners used in Fort McCoy's surface coating operation: Part I.D.1.c.(1)(c) of the Operation Permit requires Fort McCoy to keep monthly records of the daily coating usage, and to retain such records representing a period of at least 5 years.
7. Part I.F.1.c.(1) of the Operation Permit requires Fort McCoy to record the dates of water volumes and/or chemical use on all dirt roads, and to retain such records representing a period of at least 5 years.
8. Part I.G.1.b.(1)(a) of the Operation Permit requires Fort McCoy to apply water, suitable chemicals or plastic covering on material stockpiles, provided such application does not create a hydrocarbon, odor, or water pollution control problem.
9. Part I.I.1.a. of the Operation Permit restricts Fort McCoy's explosive detonations to the following:
 - a. The total amount of propellants and explosives open detonated during an one hour period must not exceed 250 pounds.
 - b. At least 60 minutes must elapse between open detonations of propellants and explosives.
10. Part I.I.1.b.(1)(2) requires Fort McCoy to keep records of meteorological conditions during explosive detonations, and to retain such records representing a period of at least five years.

Factual Background

11. Fort McCoy owns and operates an army base located at Fort McCoy, Wisconsin.
12. Emissions from Fort McCoy's various operations are subject to the regulations written in the Fort McCoy Operation Permit, under 40 C.F.R. § 52.23.

Findings of Violation

13. In violation of 40 C.F.R. § 52.23, Fort McCoy failed to comply with conditions of its Operation Permit, which was issued pursuant to Wisconsin SIP Rule NR 407. The violations are described below.

14. From July 26, 1999, to July 27, 1999, U.S. EPA conducted a multi-media inspection of the Fort McCoy facility.
15. During the inspection, U.S. EPA obtained monthly records of the fuel type and compiled fuel usage for Fort McCoy's natural gas and liquid propane fired boilers (fuel records).
16. U.S. EPA determined that the natural gas section of Fort McCoy's fuel records was incomplete. Within the past 5 years, the natural gas usage for the period from October 16, 1994, to January 15, 1995 was not recorded.
17. Since Fort McCoy had failed to keep monthly records of the compiled fuel usage for its natural gas fired boilers for a period representing at least 5 years, then Fort McCoy is in violation of Part I.1.b.(1) of the Operation Permit.
18. U.S. EPA determined that the liquid propane section of Fort McCoy's fuel records was incomplete. Within the past 5 years, the liquid propane usage for the period from December 16, 1994, to January 15, 1995 was not recorded.
19. Since Fort McCoy had failed to keep monthly records of the compiled fuel usage for its liquid propane fired boilers for a period representing at least 5 years, then Fort McCoy is in violation of Part I.1.b.(1) of the Operation Permit.
20. During the inspection, U.S. EPA obtained material safety data sheets (MSDS) for all paints, precoatings, and thinners used at Fort McCoy. The MSDS contained information about the VOC content of each coating.
21. U.S. EPA determined that the MSDS information on the VOC content was listed in units of percent volatiles by volume, as opposed to pounds of VOC per gallon.
22. Since Fort McCoy had failed to keep records of VOC content, for all its paints, precoatings, and thinners, in units of pounds of VOC per gallon, then Fort McCoy is in violation of Part I.D.1.c.(1)(b) of the Operation Permit.
23. During the inspection, U.S. EPA obtained Fort McCoy's monthly usage records of all the paints, precoatings, and thinners used in its surface coating operation.
24. U.S. EPA determined that Fort McCoy did not keep monthly records of coating usage before 1997.
25. Since Fort McCoy did not keep monthly records of coating usage for a period representing at least 5 years, then Fort McCoy is in violation of Part I.D.1.c.(1)(c) of the Operation Permit.

26. After the inspection, U.S. EPA obtained a summary of dates when dust suppressants were applied to dirt roads at Fort McCoy (though a request for information issued under Section 114 of the Act).
27. U.S. EPA determined that the information did not include times when dust suppressants were applied to dirt roads before July 1996.
28. Since Fort McCoy did not keep records of dates when dust suppressants were applied to dirt roads, for a period representing at least 5 years, then Fort McCoy is in violation of Part I.F.1.c.(1) of the Operation Permit.
29. During the inspection, U.S. EPA witnessed a gravel pile on the Fort McCoy grounds.
30. Fort McCoy stated that no precautions were taken to prevent fugitive emissions from the gravel pile.
31. Since Fort McCoy failed to apply water, suitable chemicals, or plastic covering on its gravel pile, then Fort McCoy is in violation of Part I.G.1.b.(1)(a) of the Operation Permit.
32. After the inspection, U.S. EPA obtained information about the conditions of explosive detonations at Fort McCoy (though a request for information issued under Section 114 of the Act).
33. The following are lists of certain net explosive weights and the time elapsed between explosions. This was gained from the information submitted by Fort McCoy:

Limit: 250 pounds per hour		
Date: September 12, 1995	Shot Number	Net Explosive Weight (lbs)
	2	251.20157
	4	254.984

Rule: At least one hour between detonations		
Date	Shots involved	Time between shots
September 12, 1995	#2 and #3	25 minutes
May 26, 1998	#2 and #3	43 minutes

34. Since Fort McCoy had exceeded the 250 pound per hour limit for detonations, then Fort McCoy is in violation of Part I.I.1.a of the Operation Permit.
35. Since Fort McCoy had not allowed 60 minutes to elapse between detonations of propellants and explosives, then Fort McCoy is in violation of Part I.I.1.a. of the Operation Permit.
36. From the records of meteorological conditions during explosive detonations at Fort McCoy, U.S. EPA determined that certain meteorological data were missing for the following dates: (1) September 12, 1995; (2) October 31 to November 1, 1996; and (3) May 26, 1998.
37. Since Fort McCoy failed to keep records of meteorological conditions during explosive detonations for a period representing 5 years, then Fort McCoy is in violation of Part I.I.1.b.(1)(2) of the Operation Permit.

3-14-00

Date



Bharat Mathur, Director
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